

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1:14-CR-69</b>
	:	
v.	:	<b>(Chief Judge Conner)</b>
	:	
<b>EUGENE STALLINGS, JR.,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 6th day of November, 2018, upon consideration of the motion (Doc. 457) for court “approval of discovery from United States and approval of expert retention funds” filed by defendant Eugene Stallings, Jr. (“Stallings”), in which Stallings requests that the government produce the file of Stallings’ trial counsel, James H. Rowland, Jr. (“Attorney Rowland”), as well as “a copy of the discovery that the Government produced, pretrial, to [Stallings’] trial counsel,” and that the court approve costs for expert services under 18 U.S.C. § 3006A(e), (Doc. 457 at 1-2), and the court observing that Stallings failed to seek concurrence from the government on this motion, see LOCAL RULE OF COURT 7.1, and further noting that the government avers that it does not have possession of Attorney Rowland’s file and has not received a direct request from Stallings for specific discovery materials, and argues that Stallings has not met his burden to establish that expert funds are necessary for adequate representation, (Doc. 464 at 4-8), it is hereby ORDERED that Stallings’ motion is GRANTED in part and DENIED in part as follows:

1. Stallings' request for leave of court to conduct discovery in relation to the underlying 28 U.S.C. § 2255 motion is GRANTED. See 28 U.S.C. § 2255 Rule 6(a).
2. Stallings shall direct any request for attorney file information to trial counsel, James H. Rowland, Jr., rather than the United States.
3. After Stallings has received a response from Attorney Rowland regarding Stallings' file, Stallings may make specific, non-duplicative discovery requests to the United States that comport with 28 U.S.C. § 2255 Rule 6(b). Court intervention regarding discovery issues should be sought only as a matter of last resort.
4. Stallings' request for expert funds pursuant to 18 U.S.C. § 3006A(e) is DENIED without prejudice. Stallings may renew this request in the appropriate manner, see id. § 3006A(e)(1), and must demonstrate—*with specificity*—the basis for the request, see United States v. Pitts, 346 F. App'x 839, 841-42 (3d Cir. 2009) (nonprecedential); see also United States v. Roman, 121 F.3d 136, 143-44 (3d Cir. 1997).

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania